



RCE/1617
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Atty. Dkt. No. 067286-0204

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James C. Kennedy et al.

Title: Photochemotherapeutic Method Using 5-Aminolevulinic Acid and Other
Precursors of Endogenous Porphyrins

Appl. No.: 09/293,835

Appl. Filing Date: 04/19/1999

Examiner: S. Sharareh

Art Unit: 1617

TECH CENTER 1600/2900
SEP 26 2003
RECEIVED
OCT 29 2003

REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. **Submission required under 37 C.F.R. §1.114:** (check items that apply)

a. Previously submitted:

Please enter and consider the amendment/reply, Information Disclosure Statement and Formal Drawings previously filed on July 23, 2003.

Please consider the Affidavit(s)/Declaration(s) previously filed on but not considered.

Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on ____.

Other ____.

b. Enclosed are:

Amendment/Reply.

Affidavit(s)/Declaration(s).

Information Disclosure Statement.

Form PTO-1449 with copies of ____ listed reference(s).

Other .

Miscellaneous:

Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of ____ months.

The filing fee is calculated below:

Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee			\$750.00	\$750.00
1.17(e)				
Total Claims: <u>26</u>	<input type="checkbox"/> <u>34</u>	= <u>0</u>	x \$18.00 =	<u>\$0.00</u>
Independents: <u>4</u>	<input type="checkbox"/> <u>4</u>	= <u>0</u>	x \$84.00 =	<u>\$0.00</u>
First presentation of any Multiple Dependent Claims:			+ \$280.00 =	<u>\$0.00</u>
			CLAIMS FEE TOTAL: =	<u>\$750.00</u>

[X] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[]	Extension for response filed within the first month:	\$110.00	\$0.00
[X]	Extension for response filed within the second month:	\$410.00	\$410.00
[]	Extension for response filed within the third month:	\$930.00	\$0.00
[]	Extension for response filed within the fourth month:	\$1,450.00	\$0.00
[]	Extension for response filed within the fifth month:	\$1,970.00	\$0.00
	EXTENSION FEE TOTAL:		\$410.00
	CLAIMS AND EXTENSION FEE TOTAL:		\$1160.00
[X]	Small Entity Fees Apply (subtract ½ of above):		\$580.00
[]	Suspension of action requested under 37 C.F.R. § 1.103(c)		\$0.00
	TOTAL FEE:		\$580.00

[] Please charge Deposit Account No. 19-0741 in the amount of \$580.00. A duplicate copy of this transmittal is enclosed.

[X] A check in the amount of \$580.00 to cover the filing fee is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

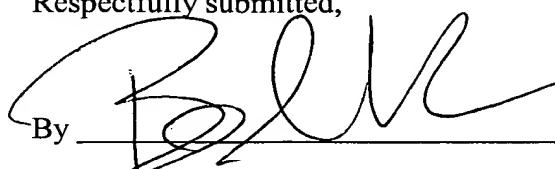
Date

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FOLEY & LARDNER
Customer Number: 22428
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

Respectfully submitted,

By


Beth A. Burrous
Attorney for Applicant
Registration No. 35,087